the premises for an alleged offender, or to take possession of property discovered in such unlawful search, violates the provision of the constitution, and the guilt or innocence of the owner of the premises is immaterial. *Youman* v. *Commonweatlh* (1920), 189 Ky. 152, 224 S. W. 860, 13 A. L. R. 1303.

Ever since the expression "A man's house is his castle" crystallized into the Fourth Amendment to the Federal Constitution, and later found its way into all State constitutions, it has been considered one of the most effective safeguards of American liberty. And, although a large number of courts are apparently willing to warp, twist, and evade it at any time to secure a conviction, there is still a respectable number of courts holding that this tendency to obtain convictions by unlawful seizures, destructive of rights secured to the people, should find no sanction. *Weeks v. United States, supra; State* v. *Peterson, supra; Youman* v. *Commonwealth, supra.*

For a general discussion of the different views taken by the courts under the National Prohibition Act, see 8 VA. LAW REV. 299.

MASTER AND SERVANT—WORKMEN'S COMPENSATION ACT—EMPLOYEE COMPENSATED FOR TOTAL DISABILITY, THOUGH INJURY MERELY AGGRAVATED PRIOR DISEASE.—The plaintiff, an employee of the defendant company, was suffering from a tuberculous and syphilitic condition, which had become localized in the right shoulder. Said condition had become stable, and did not disable or incapacitate the plaintiff for his work as a laborer. On August 20, 1920, the plaintiff received a blow on the right shoulder joint, arising in the course of and out of his employment, which immediately aggravated and accelerated the tuberculous and syphilitic condition previously existing and produced a condition incapacitating the plaintiff to work from the date of the injury, August 21, 1920, to May 31, 1921. Pub. Acts 1919, c. 142, sec. 1, amending Gen. St. 1918, sec. 5341, which is a part of the Workman's Compensation Law of Connecticut provided that, in case of aggravation of a disease, compensation is allowed only for the proportion of the disability reasonably attributed to the injury. *Held,* compensation awarded for entire incapacity. *Bongialatte* v. *H. Wales Lines Co. et al.* (Conn. 1922), 117 Atl. 696.

Cases of this character have arisen in many of our States, and the decisions of each State have depended very strongly upon the phraseology of the Workmen's Compensation Act of that particular State.

An employee having latent tuberculosis, received a personal injury, arising out of and in the due course of his employment, which aggravated and accelerated his latent tuberculosis into active tuberculosis, from which he died. His dependents were entitled to compensation under the Workmen's Compensation Act. *Republic Iron & Steel Co.* v. *Markiowicz et al.* (Ind. 1921), 129 N. E. 710; *McGoey* v. *Turin Garage & Supply Co. et al.* (N. Y. 1921), 195 App. Div. 436, 186 N. Y. S. 697. And when the employee has a pre-existing disease which is aggravated and accelerated by an accidental injury in the course of employment, compensation may be awarded under the Workmen's Compensation Act, but the accidental injury must be the immediate or proximate cause of death. *Jakub* v. *Industrial Commission et al.* (1919), 288 Ill. 87, 123 N. E. 263; *Peoria Railway Terminal Co.* v. *Industrial Board* (1917), 279 Ill. 352, 116 N. E. 651.

Also, the further injury of a weak heart so as to incapacitate its owner for physical duties of his employment may be found a personal injury arising out of and in the course of his employment within the meaning of the Workmen's Compensation Act, and will entitle the injured person to full compensation under the act. *In re Madden* (1916), 222 Mass. 487, 111 N. E. 379.

Under a Workmen's Compensation Act which entitles every employee to compensation for every accidental injury suffered in the course of employment, it was held that an employee is entitled to compensation for total incapacity proximately caused by the injury, if the incapacity results from accident independent of pre-existing disease, but, if the injury merely accelerates or aggravates such disease, he can recover compensation only to the extent and in the proportion in which the pre-existing disease is increased or aggravated. *Springfield Dist. Coal Mining Co.* v. *Industrial Commission et al.* (1921), 300 Ill. 28, 132 N. E. 752. The driver of a bakery wagon accidentally slipped in getting off his wagon and fell, and received a spiral fracture of the right tibia, arising out of and in the course of his employment, the healing of which was prolonged by reason of his pre-existing syphilitic condition, which aggravated by the accident resulted in the lost of sight. Under the Workmen's Compensation Act, it was held that he might be entitled to compensation for the fracture, but not for the permanent physical injury due to the loss of his sight. *Borgsted* v. *Shults Bread Co.* (N. Y. 1917), 180 App. Div. 229, 167 N. Y. S. 647.

In the instant case it is difficult to see how the court arrived at such an interpretation of the statute as to allow compensation for total disability. It seems that the legislative intent is clearly expressed in the statute, that in any case of aggravation of a disease existing prior to injury arising out of the employment, compensation should be allowed only for such proportion of the disability reasonably attributed to the injury.

PATENTS—OWNER HELD ESTOPPED BY ACQUIESCENCE IN MANUFACTURE OF PATENTED ARTICLE BY DEFENDANT.—An inventor planned an ignition coil which was perfected by the aid of the defendant's engineers, and adopted by the defendant as standard equipment for the automobiles it manufactured. The defendant, with the aid and counsel of the inventor, built and equipped a large manufacturing plant for their production. The inventor then secured a patent right for the coil and assigned his patent right to the plaintiff, who supplied the defendant with a large number of the coils, besides large numbers of parts for use in the coils manufactured by the defendant. At no time did the defendant have any knowledge of the existence of the patent. The plaintiff never marked any of his products with his patent number. The plaintiff, at all times, knew that the defendant was manufacturing the coils. After the defendant had manufactured the coils for several years, the plaintiff brought suit to recover damages for wrongful infringement upon the patented coil, and to prevent the defendant from future infringements. The defendant contended that the plaintiff was estopped to deny that it had a right to manufacture, or a right to continue the manufacture of, the coil. *Held*, plaintiff could not recover. *Ford Motor Company* v. *K. W. Ignition Co.* (1921), 278 Fed. 373.